

FILED
KING COUNTY, WASHINGTON

MAY 10 2019

SEA
SUPERIOR COURT CLERK

No Hearing Set
Hon. Judge Bradshaw

**IN THE SUPERIOR COURT OF THE STATE
OF WASHINGTON FOR KING COUNTY**

**ARTHUR WEST,
 plaintiff,**

Vs.

**SEATTLE CITY COUNCIL, et al,
 defendants.**

No. 18-2-14942-8 SEA ✓
18-2-15000-8 SEA 1
(consolidated)

**APPELLANT'S
NOTICE OF APPEAL**

Comes now plaintiff/appellant West and respectfully provides notice of his intent to appeal, to Division I of the Court of Appeals, the following Orders;

(1.) the Order of the Trial Court of April 26, 2019, granting Defendants' Motion for Summary Judgment and dismissing West's claims regarding violations of RCW 42.30;

(2.) the Order of the Trial Court of May 9, 2019 denying Plaintiff's Motion for Summary Judgment; and

(3.) the Order of the Trial Court of May 9, 2019, denying Plaintiff's CR 56(f) Motion.

The City was represented by Pete Holmes and Bruce Wiley.

1 APPELLANT'S
NOTICE
OF APPEAL

Arthur West
120 State Ave. NE #1497
Olympia, Washington 98501

1 Plaintiff West acted on his own behalf.

2 Appellant West seeks:

3 (1.) An Order of the Appellate Court vacating the Orders designated above.

4 (2.) An Order of Remand to the Trial Court with instructions to find that the
5 defendants violated the OPMA and to to enter judgment for the plaintiff on all
6 claims in the Amended Complaint.

7 Done May 9, 2019, in Olympia, Washington.

8
9 
10 ARTHUR WEST

11 **CERTIFICATE OF SERVICE**

12 I, Arthur West, certify under penalty of perjury under the laws of the State of
13 Washington that I caused to be served a copy of Appellant's Notice of Appeal to the
14 parties, electronically, by email on or about May 9, 2019, to the addresses listed as
15 follows:\

16 Peter S. Holmes, WSBA #15787 Gary Smith, WSBA #29718 Michael K. Ryan, WSBA
17 #32091 Seattle Attorney's Office

18 701 Fifth Avenue, Suite 2050 Seattle, WA
19 98104 pete.holmes@seattle.gov gary.smith@seattle.gov michael.ryan@seattle.gov

David N. Bruce, WSBA #15237 Stephen C. Willey, WSBA #24499 Michele L. Stephen,
WSBA #39458

1425 Fourth Avenue, Suite 800 Seattle, WA
98101 dbruce@sbwllp.com swilley@sbwllp.com mstephen@sbwllp.com

20 
21 ARTHUR WEST

The Honorable Timothy A. Bradshaw
Noted for Hearing: April 26, 2019 at 1:30 p.m.
Oral Argument Scheduled

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

Plaintiff,

v.

CITY OF SEATTLE, a Washington municipal
corporation,

Defendant.

ARTHUR WEST,

Plaintiff,

v.

SEATTLE CITY COUNCIL, CITY OF
SEATTLE, LISA HERBOLD, BRUCE
HARRELL, KSHAMA SAWANT, ROB
JOHNSON, DEBORA JUAREZ, MIKE
O'BRIEN, SALLY BAGSHAW, TERESA
MOSQUEDA, LORENA GONZALEZ,

Defendants.

NO. 18-2-14942-8 SEA
(Consolidated)

[PROPOSED]

**ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

1 THIS MATTER came before the Court on Defendants' Motion for Summary Judgment
2 (the "Motion"), and the Court having considered:

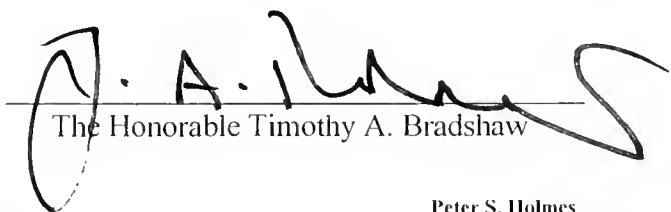
- 3 (a) Defendants' Motion;
- 4 (b) Declaration of Sally Bagshaw;
- 5 (c) Declaration of Lorena González;
- 6 (d) Declaration of Bruce Harrell and the exhibits thereto;
- 7 (e) Declaration of Lisa Herbold;
- 8 (f) Declaration of Rob Johnson;
- 9 (g) Declaration of Debora Juarez;
- 10 (h) Declaration of Teresa Mosqueda;
- 11 (i) Declaration of Mike O'Brien;
- 12 (j) Declaration of Gabriella Sanders and the exhibits thereto;
- 13 (k) Appendix of non-Washington Authorities in support of Defendants' Motion;
- 14 (l) Plaintiff West's Reply in Opposition to Defendants' Motion;
- 15 (m) Defendants' Reply;
- 16 (n) Declaration of Stephanie Formas; and
- 17 (o) Supplemental Declaration of Gabriella Sanders;

18 and being familiar with the files and pleadings in this matter, and having heard oral argument
19 from counsel on April 26, 2019, is fully advised.

20 **NOW, THEREFORE**, the Court rules as follows: Defendants' Motion for Summary
21 Judgment is hereby **GRANTED**, and Plaintiff Arthur West's claims herein and his Second
22 Amended Complaint are dismissed with prejudice.

23 IT IS SO ORDERED.

24 *including conditions*
DATED this *26th* day of April, 2019.

25
26 
27 The Honorable Timothy A. Bradshaw

1
2 PRESENTED BY:

3 **Peter S. Holmes**
4 Seattle City Attorney

5 By s/Peter S. Holmes

6 Peter S. Holmes, WSBA #15787
7 Gary Smith, WSBA #29718
8 Assistant City Attorney
9 Seattle City Attorney's Office
10 701 Fifth Ave., Suite 2050
11 Seattle, WA 98104
12 Telephone: (206) 684-8200
13 Email: pete.holmes@seattle.gov
14 Email: gary.smith@seattle.gov

15 **SAVITT BRUCE & WILLEY LLP**

16 By s/David N. Bruce

17 David N. Bruce, WSBA #15237
18 Stephen C. Willey, WSBA #24499
19 Michele L. Stephen, WSBA #39458
20 1425 Fourth Avenue Suite 800
21 Seattle, Washington 98101-2272
22 Telephone: 206.749.0500
23 Facsimile: 206.749.0600
24 Email: dbruce@sbwLLP.com
25 Email: swilley@sbwLLP.com
26 Email: mstephen@sbwLLP.com

27 *Attorneys for Defendants*

The Honorable Timothy A. Bradshaw

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

Plaintiff,

v.

CITY OF SEATTLE, a Washington municipal
corporation,

Defendant.

NO. 18-2-14942-8 SEA
(Consolidated)

**ORDER DENYING PLAINTIFF
WEST'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

ARTHUR WEST,

Plaintiff,

v.

SEATTLE CITY COUNCIL, CITY OF
SEATTLE, LISA HERBOLD, BRUCE
HARRELL, KSHAMA SAWANT, ROB
JOHNSON, DEBORA JUAREZ, MIKE
O'BRIEN, SALLY BAGSHAW, TERESA
MOSQUEDA, LORENA GONZALEZ,

Defendants.

1 THIS MATTER came before the Court on Plaintiff West's Motion for Partial Summary
2 Judgment (the "Motion"), and the Court having considered:

- 3 (a) Plaintiff's Motion, and exhibits;
4 (b) Plaintiff West's Declaration and Transcript Excerpts (*see* Sub No. 140);
5 (c) Plaintiff West's Appendix of Out of State Authorities;
6 (d) Defendants' Opposition;
7 (e) Defendants' Motion for Summary Judgment (*see* Sub No. 125);
8 (f) Declaration of Sally Bagshaw (*see* Sub No. 126);
9 (g) Declaration of Lorena González (*see* Sub No. 127);
10 (h) Declaration of Bruce Harrell and the exhibits thereto (*see* Sub No. 128);
11 (i) Declaration of Lisa Herbold (*see* Sub No. 129);
12 (j) Declaration of Rob Johnson (*see* Sub No. 130);
13 (k) Declaration of Debora Juarez (*see* Sub No. 131);
14 (l) Declaration of Teresa Mosqueda (*see* Sub No. 132);
15 (m) Declaration of Mike O'Brien (*see* Sub No. 133);
16 (n) Declaration of Gabriella Sanders and the exhibits thereto (*see* Sub No. 134);
17 (o) Appendices of non-Washington Authorities in support of Defendants' Motion
18 for Summary Judgment and in Opposition to Plaintiff West's Motion; and
19 (p) Plaintiff West's Reply, and exhibits;
20 (q) Plaintiff West's Reply in Opposition, and exhibits.

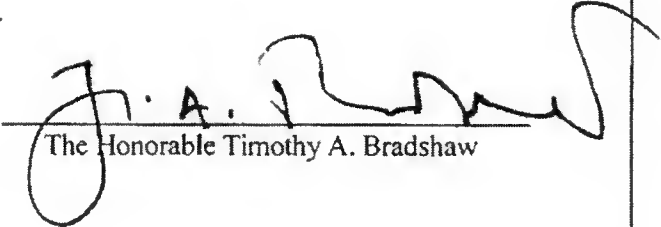
21 and being familiar with the files and pleadings in this matter, and having heard oral argument
22 from counsel on April 26, 2019, is fully advised.

23 **NOW, THEREFORE**, the Court rules as follows: Plaintiff West's Motion for Partial
24 Summary Judgment is hereby **DENIED**.

25 **IT IS SO ORDERED.**

26 //

1 DATED this 09th day of May, 2019.

2
3 
4 The Honorable Timothy A. Bradshaw

5 PRESENTED BY:

6 **Peter S. Holmes**
7 Seattle City Attorney

8 By s/Peter S. Holmes

9 Peter S. Holmes, WSBA #15787

10 Gary Smith, WSBA #29718

11 Assistant City Attorney

12 Seattle City Attorney's Office

13 701 Fifth Ave., Suite 2050

14 Seattle, WA 98104

15 Telephone: (206) 684-8200

16 Email: pete.holmes@seattle.gov

17 Email: gary.smith@seattle.gov

18 **SAVITT BRUCE & WILLEY LLP**

19 s/David N. Bruce

20 By

21 David N. Bruce, WSBA #15237

22 Stephen C. Willey, WSBA #24499

23 Michele L. Stephen, WSBA #39458

24 1425 Fourth Avenue Suite 800

25 Seattle, Washington 98101-2272

26 Telephone: 206.749.0500

27 Facsimile: 206.749.0600

Email: dbruce@sbwLLP.com

Email: swillev@sbwLLP.com

Email: mstephen@sbwLLP.com

Attorneys for Defendants

28 s/ Arthur West

29 ARTHUR WEST

30 Plaintiff

The Honorable Timothy A. Bradshaw

SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

JAMES EGAN, individually,

Plaintiff,

v.

CITY OF SEATTLE, a Washington municipal
corporation,

Defendant.

NO. 18-2-14942-8 SEA
(Consolidated)

**ORDER DENYING PLAINTIFF
WEST'S CR 56(f) MOTION**

ARTHUR WEST,

Plaintiff,

v.

SEATTLE CITY COUNCIL, CITY OF
SEATTLE, LISA HERBOLD, BRUCE
HARRELL, KSHAMA SAWANT, ROB
JOHNSON, DEBORA JUAREZ, MIKE
O'BRIEN, SALLY BAGSHAW, TERESA
MOSQUEDA, LORENA GONZALEZ,

Defendants.

ORDER DENYING PLAINTIFF WEST'S CR 56(f) MOTION

- 1

Peter S. Holmes
Seattle City Attorney
701 5th Avenue, Suite 2050
Seattle, WA 98104-7097
(206) 684-8200

1 THIS MATTER came before the Court on Plaintiff West's CR 56(f) Motion (the
2 "Motion"), and the Court having considered:

- 3 (a) Plaintiff's Motion;
4 (b) Defendants' Opposition;
5 (c) Declaration of Gabriella Sanders and the exhibits thereto; and
6 (d) Plaintiff West's Reply ("Plaintiff West's Declaration in support of CR 56(f)
7 Motion");

8 and being familiar with the files and pleadings in this matter, and having heard oral argument
9 from counsel on April 26, 2019, is fully advised.

10 NOW, THEREFORE, the Court rules as follows: Plaintiff West's CR 56(f) Motion is
11 hereby DENIED.

12 IT IS SO ORDERED.

13 DATED this 09th day of May, 2019.

14 
15 The Honorable Timothy A. Bradshaw
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1 PRESENTED BY:

2 **Peter S. Holmes**
3 **Seattle City Attorney**

4 By s/Peter S. Holmes

Peter S. Holmes, WSBA #15787
5 Gary Smith, WSBA #29718
6 Assistant City Attorney
7 Seattle City Attorney's Office
8 701 Fifth Ave., Suite 2050
9 Seattle, WA 98104
Telephone: (206) 684-8200
Email: pete.holmes@seattle.gov
Email: gary.smith@seattle.gov

10 **SAVITT BRUCE & WILLEY LLP**

11
12 s/David N. Bruce

13 By _____

David N. Bruce, WSBA #15237
14 Stephen C. Willey, WSBA #24499
15 Michele L. Stephen, WSBA #39458
16 1425 Fourth Avenue Suite 800
17 Seattle, Washington 98101-2272
18 Telephone: 206.749.0500
Facsimile: 206.749.0600
Email: dbruce@sbwLLP.com
Email: swillev@sbwLLP.com
Email: mstephen@sbwLLP.com

19 *Attorneys for Defendants*

20
21
22 s/Arthur West

23 **ARTHUR WEST**
24 **Plaintiff**